

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

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NATIONAL INTERSTATE INSURANCE COMPANY,
an Ohio Corporation,

Robert M. Marsh
CLERK OF COURT

Plaintiff,

No. CIV-01-1446-MCA/WDS [ACE]

vs.

PENNY EMERSON, a New Mexico Resident,

Defendant,

and

NATIVE RESOURCE DEVELOPMENT, INC.,
a Navajo Nation Corporation, as a Real Party in
Interest; PENNY EMERSON,

Counter Plaintiffs,

vs.

NATIONAL INTERSTATE INSURANCE COMPANY,
an Ohio Corporation,

Counter Defendant.

NATIVE RESOURCE DEVELOPMENT AND PENNY EMERSON
REFORMATION FINDINGS OF FACT AND CONCLUSIONS OF LAW
REFERENCE TO EXHIBITS AND TESTIMONY

COME NOW, Native Resource Development and Penny Emerson by and through
counsel of record, and submits the following table cross referencing their requested
Findings of Fact and Conclusions of Law with their Trial Exhibits and Testimony of Witness:

<u>FINDINGS OF FACT</u>	<u>TRIAL EXHIBIT</u>	<u>TESTIMONY OF WITNESS</u>
1	1, 2, 5, 6, 10, 12,13,17, 21	Emerson/Krzyzanowski
2	1, 2, 5, 6, 10, 12,13,17, 21	Emerson/Krzyzanowski
3	32, 33, 34, 43, 44, 50	Emerson/Krzyzanowski
4	32, 33, 34, 43, 44, 50	Emerson/Krzyzanowski
5	32, 33, 34, 43, 44, 50	Emerson/Krzyzanowski
6	32, 33, 34, 43, 44, 50	Emerson/Krzyzanowski
7	32, 44, 50	Emerson/Terrill
8	32, 44, 50	Emerson/Krzyzanowski
9	5, 6, 13, 17, 28, 39, 41, 45, 46, 47, 48, 49, 50	Emerson/ Krzyzanowski/Terrill/Ben
10	5, 6, 13, 17, 28, 39, 41, 45, 46, 47, 48, 49, 50	Emerson/ Krzyzanowski/Terrill/Ben
11	10, 11, 33, 43	Emerson/Krzyzanowski
12	10, 11, 32, 44, 98	Krzyzanowski
13	4, 10, 11, 17, 25, 33, 34, 43, 45	Emerson/Terrill
14	4, 10, 11, 32, 44, 45, 98	Emerson/Krzyzanowski
15	4, 11, 32, 44, 98	Krzyzanowski
16	4, 11, 17, 25, 32, 44, 45, 98	Emerson/Terrill/Hradek
17	4,17, 98	Hradek/Terrill
18	4, 19, 20, 32, 44, 45, 98	Hradek/Terrill
19	21, 23, 24, 28, 31, 32, 44, 50	Hradek, Emerson/Terrill
20	7, 28, 36, 84, 85, 90	Emerson/Terrill
21	7, 28, 36, 84, 85, 90	Emerson/Terrill
22	7, 28, 36, 84, 85, 90	Emerson/Terrill
23	14, 15, 36, 84, 85, 90	Emerson/Krzyzanowski
24	14, 15, 36, 84, 85, 90	Emerson/Krzyzanowski
25	33, 34, 43, 45, 50	Emerson/Krzyzanowski
26	32, 44, 45, 50	Emerson/Krzyzanowski
27	33, 34, 43, 50	Emerson/Terrill/Allen
28	32, 35, 44, 50	Emerson/Terrill/Hradek/Allen
29	7	Emerson
30	10, 11	Emerson/Allen
31	10, 11, 29, 30, 34	Emerson
32	32, 44	Emerson/Allen
33	50	Emerson/Allen
34	32, 33, 34, 43, 44, 45, 50	Allen
35	10, 32, 33, 34, 43, 44, 45, 50	Allen

36	5, 7, 10, 11, 12, 14, 15, 16, 17, 19, 23, 28, 32, 33, 34, 43, 44, 45, 49, 50	Emerson/Terrill/Hradek/Krzyzanowski
37	7, 10, 11, 12, 13, 14, 15, 16, 17, 23, 28, 32, 33, 34, 36, 43, 44, 45, 49, 50, 84, 85, 90	Emerson/Terrill/Allen/Krzyzanowski
38	7, 10, 12, 34, 43, 44, 49, 50	Terrill/Hradek/Allen
39	7, 10, 14, 15, 16, 32, 33, 34, 36, 43, 44, 45, 49, 50	Emerson
40	7, 10, 14, 15, 16, 32, 33, 34, 36, 43, 44, 45, 49, 50	Emerson/Allen
41	7, 10, 13, 14, 15, 16, 17, 19, 23, 28, 32, 33, 34, 36, 43, 44, 45, 49, 50, 84, 85, 99	Allen/Terrill
42	81	Emerson/Allen
43	81	Emerson/Allen
44	10, 11, 12, 13, 15, 16, 17, 19, 23, 28, 32, 33, 34, 36, 43, 44, 45, 49, 50, 84, 85, 90, 99	Terrill/Allen

<u>CONCLUSIONS OF LAW</u>	<u>TRIAL EXHIBITS</u>	<u>WITNESS TESTIMONY</u>
1	90	Allen
2	90	Allen
3	84, 85	
4	90, 99	Allen
5	90, 99	Allen/Emerson/ Terrill
6	90, 99	Allen/Emerson/ Terrill
7	90, 99	Allen/Terrill
8		Allen
9		Allen
10	98	Emerson/Allen
11		Emerson/Allen
12	81	
13	81	
14		Allen

Respectfully submitted,

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